

REMARKS

Claims 1-6 are pending. Claims 5-6 have been withdrawn from consideration for being directed to non-elected subject matter. By this Amendment, the Specification is amended to include the proper cross-reference information therein. Applicants respectfully submit that no new matter is presented herein.

Claim Rejection -- 35 U.S.C. §103

Claims 1-4 are rejected under 35 USC 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0136939 to Grieve et al. (Grieve) in view of U.S. Patent No. 7,275,501 to Laceky. Applicants respectfully traverse the rejection for being based upon references that are not proper prior art.

Specifically, Applicants note that the instant application is a divisional application of U.S. Patent application Number 09/871,673, filed on June 4, 2001, now U.S. Patent No. 6,815,100, issued November 9, 2004, which claims the benefit of priority of Japanese Patent Application No. 2000-176030, filed on June 12, 2000. A review of PAIR confirms the Patent Office received a certified copy of the priority document in the '673 application on June 4, 2001, and that the instant Office Action confirms the Patent Office received the priority document. To perfect the claim for priority, Applicants enclose herein a translation of the Japanese priority document, thereby perfecting Applicants claim for priority.

In view of the above, Applicant submits the effective date of the instant application is June 12, 2000.

Applicants respectfully submit that Grieve and Laceky are **not** prior art.

In particular, Applicants note that Grieve was filed in the U.S. Patent Office on February 15, 2001, and Laceky claims priority from the July 3, 2003 filing date of Provisional application No. 60/485,300. Therefore, the effective filing date of Grieve, which is its U.S. filing date, is **February 15, 2001**. Hence, the effective filing date of Grieve is nearly eight (8) months ***after*** the effective date of the instant application and Grieve is therefore ***not*** prior art. Also, the effective filing date of Laceky, which is the U.S. filing date of Provisional Application No. 60/485,300, is **July 3, 2003**. Hence, the effective filing date of Laceky is more than three (3) years ***after*** the effective date of the instant application and Laceky, like Grieve, is therefore ***not*** prior art.

Therefore, Applicants respectfully submit that the rejection of Claims 1-4 is not proper and should be withdrawn.

Withdrawal of the rejection is respectfully requested.

Conclusion

In view of the foregoing, Applicants respectfully request reconsideration of the application, withdrawal of the outstanding rejection, allowance of Claims 1-4, and the prompt issuance of a Notice of Allowability.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing attorney docket number 107439-00112.**

Respectfully submitted,



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Enclosure: Verified English Translation of JP 2000-176030